

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joel BORBON-Jusaino,

Defendant

Magistrate Docket No.

'08 MJ 1373

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED


08 MAY -1 AM 11:46

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA99/18
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **April 29, 2008** within the Southern District of California, defendant, **Joel BORBON-Jusaino**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st** DAY OF **MAY, 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Joel BORBON-Jusaino****PROBABLE CAUSE STATEMENT**

On April 29, 2008 Senior Patrol Agent Monica Slack was performing line watch duties in the Imperial Beach Area of Operations. At approximately 8:45 p.m. Agent Slack observed one individual run north through the border fence, making an illegal entry, in an area known as "Whiskey 15." When Agent Slack approached the individual, he attempted to elude apprehension by wading further into the water on the beach. Agent Slack then identified herself as a United States Border Patrol Agent and began to conduct an immigration inspection. The individual, later identified as the defendant **Joel BORBON-Jusaino**, admitted to being a citizen and national of Mexico in the United States illegally and did not possess any proper documents that would allow him to enter or remain in the United States legally. At approximately 8:50 p.m. Agent Slack placed the individual under arrest and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 28, 2007** through **Nogales**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.